



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: March 22, 2016

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian Harris, Planning and Zoning Administrator

Subject: **Ginnie Lutze (petitioner) and FMR Merrimack Realty Trust FID (owner)** – Variance under Section 17.09(3) to allow an illuminated sign of up to seventy (70) square feet in a residential zone whereas only non-illuminated signs up to six (6) square feet in a residential zone are allowed. The parcel is located at 1 Spartan Way in the R-1 (Residential), I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191. Case #2016-017.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The Fidelity property has two primary buildings located at One Spartan Way and Two Contra Way, situated on approximately 554 acres on two lots. The buildings were originally constructed for Digital Equipment Corporation, and were acquired by Fidelity in two phases in the 1990's. At the time of their construction, the entire property was in the R (Residential) District. The portions of the property developed for the Digital facility were rezoned by the town in the I-2 District.

Subsequent to the construction of the Digital facility, Camp Sargent Road was realigned and became Continental Boulevard, and Industrial Drive and the Exit 10 interchange were constructed. This left approximately 1.5 miles of frontage along the public streets in the R (Residential) District, including the primary access to the campus. Abutting properties include the Merrimack Premium Outlets to the north, Everett Turnpike to the east, residences and Pennichuck Brook to the south, and residences and Continental Boulevard to the west.

The petitioner seeks a variance to permit the installation of an externally illuminated sign of up to 70 sq.ft. adjacent to the ROW whereas (1) 6 s.f. non-illuminated sign is allowed in the residential district identifying any nonresidential use permitted per Section 17.09(3) of the Zoning Ordinance.

(For reference, in the industrial district, the maximum area allowed for a ground sign on a property with over 300' of frontage on a 4-lane road where the speed limit is 40-50 is 100 sq.ft., if the property was located in an industrial district.)

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under Section 17.09(3) of the Zoning Ordinance have been met to permit the installation of an illuminated sign of up to seventy (70) square feet in a residential zone whereas only non-illuminated signs up to six (6) square feet in a residential zone are allowed.

cc: Correspondence & Zoning Board File

ec: Ginnie Lutze, Fidelity Real Estate Company, petitioner (email: ginnie.lutze@fmr.com)
FMR Merrimack Realty Trust FID, owner (email: Richard.ventura@fmr.com)
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